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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,769	03/24/2004	Timothy Angus Reeve	52084-3	2768
23971	7590	05/19/2006	EXAMINER	
BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 05/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,769	REEVE, TIMOTHY ANGUS	
	Examiner	Art Unit	
	Tri M. Mai	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/06/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 9-11, and 15 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 3, 1, and 5-6. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

2. Claims 1, 8, 9, 12, 15, and 16 are rejected under 35 U.S.C. 102 (b) as being anticipated by Campbell (6125997). Campbell teaches a container, a bill portion, a crown portion, a door, a stabilizer, a closure. Where the bill and crown portions and the door define an internal cavity comprising a bottom surface, a top surface and sides. The cavity being sized to accommodate the plurality of billed hats as claimed.

Regarding claim 2, the term “stabilizer” is broad. The extending ribs on top of the crown, or any of the hinges at portion 42, or the inner edge of portion 16 comprises the stabilizer as claimed.

Regarding claim 3, portion 16 is the convex shape retaining element as claimed or even one surface of portion 46 is the retaining element as claimed.

Regarding claim 4, portion 46 of the door has a concave shape as claimed.

3. Claims 1-12, and 14-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Campbell in view of Friedman. To the degree it is argued that that Campbell does not teach the stabilizer. Friedman teaches that it is known in the art to provide a closure having a rim extending from the edge of the door along with a latch 14. It would have been obvious for one of ordinary skill in the art to provide a stabilizer having a rim extending from the door to provide added security.

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4. Claims 13 and 19-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Campbell, as set forth in paragraphs 2 and 3, and further in view of Agostine (5022515).

Agostine teaches that it is known in the art to provide a hanging loop 38. It would have been obvious for one of ordinary skill in the art to provide a hanging loop to enable one to hang the device easily.

5. Claims 1-12, and 14-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Briskey in view of either Solomon (4325595). Briskey teach a hat container having a bill portion Campbell teaches a container, a bill portion, 18, a crown portion, a door 28, a stabilizer, a closure. Where the bill and crown portions and the door define an internal cavity comprising a bottom surface, a top surface and sides. The cavity being sized to accommodate the plurality of billed hats as claimed. Briskey meets all claimed limitations except for the door pivotally connected. Solomon teaches that it is known in the art to provide door pivotally connected along with a stabilizing rim. It would have been obvious for one of ordinary skill in the art to provide a closure having the door pivotally connected with a stabilizing rim as taught by Solomon to provide an alternative closure.

6. Claims 13 and 19-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Briskey rejection, as set forth in paragraph 5, and further in view of Agostine (5022515).


Agostine teaches that it is known in the art to provide a hanging loop 38. It would have been obvious for one of ordinary skill in the art to provide a hanging loop to enable one to hang the device easily.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
Art Unit 3727